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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/613,374
Filing Date	July 3, 2003
First Named Inventor	Sudhin Datta, et al.
Group Art Unit	1711
Examiner Name	Nathan Nutter
Attorney Docket Number	98B037A/2

Total Number of Pages in This Submission 3

ENCLOSURES (check all that apply)

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Assignment Papers (for an Application) | <input type="checkbox"/> After Allowance Communication to Group |
| <input type="checkbox"/> Amendment / Response | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> After Final Affidavits/declaration(s) | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> To Convert a Provisional Application | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): |
| <input type="checkbox"/> Certified Copy of Priority Documents) | <input checked="" type="checkbox"/> Terminal Disclaimer | Postcard |
| <input type="checkbox"/> Response to Missing Part/ Incomplete Application | <input type="checkbox"/> Request for Refund | Cover Letter |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

REMARKS

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Leandro Arechederra	Registration No.	52,457
Signature			
Date	May 25, 2005		

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify having information and a reasonable basis for belief that this correspondence is being hand delivered to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the

Typed or printed name			
Signature		Date	5/25/05



Doc Code:

PTO/SB/17 (12-04v2)

Approved for use through 07/31/2006. OMB 0851-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). FEE TRANSMITTAL for FY 2005		Complete if Known	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	10/613,374
		Filing Date	July 3, 2003
		First Named Inventor	Sudhin Datta, et al.
		Examiner Name	Nathan M. Nutter
		Art Unit	1711
		Attorney Docket No.	98B037A/2
TOTAL AMOUNT OF PAYMENT (\$)			\$130.00

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Deposit Account Number: 05-1712 Deposit Account Name: ExxonMobil Chemical Company

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or any underpayment of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid(\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
Multiple Dependent Claims		
	Fee (\$)	Fee Paid (\$)

Total Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)**

_____ - 20 or HP = _____ x \$50.00 = \$0.00

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)**

_____ - 3 or HP = _____ x \$200.00 = \$0.00

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listing under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____ - 100 = _____	_____ / 50 _____	_____ (round up to a whole)	x <u>\$250.00</u>	= <u>\$0.00</u>

4. OTHER FEE(S)

Non-English specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Terminal Disclaimer Fee\$130.00

SUBMITTED BY			
Signature		Registration No. (Attorney/Agent)	52,457
Name (Print/Type)	Leandro Arechederra III	Telephone	281-834-2173
		Date	May 25, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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S06011.A01



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Sudhim DATTA

Group Art Unit: 1711

Appln. No.: 10/613,374

Examiner: Nathan NUTTER

Filed : July 3, 2003

For : ELASTIC BLENDS COMPRISING CRYSTALLINE POLYMER AND
CRYSTALLIZABLE POLYMERS OF PROPYLENE

COVER LETTER ACCOMPANYING FILING OF TERMINAL DISCLAIMER

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

During a telephone conversation with the undersigned, which took place on May 25, 2005, SPE James SEIDLECK indicated that his review of the above-identified application, which was allowed by Examiner Nutter, resulted in a finding that a double patenting rejection over the parent patent (patent no. 6,642,316) might be appropriate as to certain claims in the present application. Mr. Seidleck also indicated that a Terminal Disclaimer would be effective in overcoming the double patenting rejection, and that without a Terminal Disclaimer, he would have to wait for Examiner Nutter's return from an extended vacation before he could permit the mailing of the Notice of Allowance.

While Applicant does not acquiesce to the correctness of any double patenting rejection over the parent patent, in order to expedite the mailing of a Notice of Allowance in the present application, please find attached a Terminal Disclaimer signed by the attorney of record.

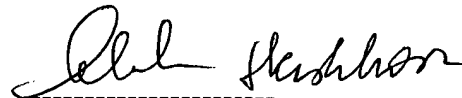
S06011.A01

Accordingly, the instant application is now ready for the prompt mailing of a Notice of Allowance.

Should there be any questions, the undersigned may be contacted at the below listed telephone number.

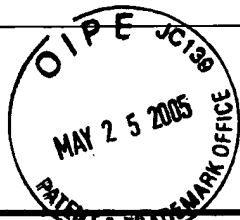
May 25, 2005
HERSHKOVITZ & ASSOCIATES
1725 I STREET, N.W.
SUITE 300
WASHINGTON, DC 20006
(703) 323-9330
(703) 323-6617 (FAX)

Respectfully submitted,
Sudhim DATTA

A handwritten signature in cursive script, appearing to read 'Abraham Herskovitz', written over a horizontal dashed line.

Abraham Herskovitz
Reg. No. 45,294

Doc Code:



PTO/SB/26 (09-04)
Approved for use 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)
98B037A/2

In re Application of: **Sudhin Datta, et al.**

Application No.: **10/613,374**

Filed: **July 3, 2003**

For: **Elastic Blends Comprising Crystalline Polymer And Crystallizable Polymers Of Propylene**

ExxonMobil Chemical

The owner*, Patents Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term **prior patent** No. 6,642,316 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said **prior patent** later:

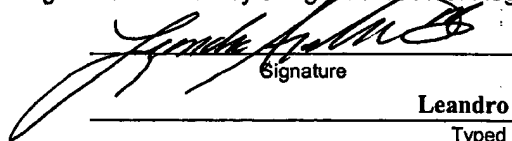
expires for failure to pay a maintenance fee;
is held unenforceable;
is found invalid by a court of competent jurisdiction;
is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
has all claims canceled by a reexamination certificate;
is reissued; or
is in any manner terminated prior to the expiration of its fully statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 52,457


Signature

May 25, 2005

Date

Leandro Arechederra III

Typed or printed name

281-834-2173

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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